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Attorneys for Defendant

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ASHLEY WILSON, as an individual and on
behalf of others similarly situated,

Plaintiff,

v.

PETER KIEWIT SONS, INC., a corporation,
and KIEWIT PACIFIC CO., a corporation and
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: C 09-03630 SI

**JOINT STIPULATION TO CONTINUE
EARLY NEUTRAL EVALUATION
DEADLINE FOR A PERIOD OF 90 DAYS**

**JOINT STIPULATION TO CONTINUE EARLY NEUTRAL EVALUATION DEADLINE FOR A
PERIOD OF 90 DAYS**

1 Additional Counsel for Plaintiff

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STIPULATION

Pursuant to Civil L.R. 7-12 Plaintiff Ashley Wilson ("Plaintiff") and Defendant Kiewit Pacific Co. ("Defendant") (referred to collectively as the "Parties"), by and through their respective counsel of record named herein, hereby stipulate and agree as follows:

1. Defendant has served discovery responses to Plaintiff, Plaintiff is preparing discovery responses to Defendant, and the Parties are working to schedule deposition(s) of Plaintiff and Defendant's 30(b)(6) witness on identified subjects.

2. On December 21, 2009, Plaintiff received a letter from the Labor & Workforce Development Agency granting permission for Plaintiff to add PAGA claims under Labor Code section 2698 et seq. Plaintiff will now seek leave to amend the current operative complaint, to add PAGA claims and additional facts and class definitions. Plaintiff is currently meeting and conferring with Defendant on this issue.

3. On January 25, 2010, counsel participated in a preliminary telephone conference with the designated Early Neutral Evaluator, Kirby Wilcox. At the conference, the Parties informed Mr. Wilcox that Plaintiff intended to seek leave to file a Second Amended Complaint and that the Parties had several unresolved discovery issues. The Parties further informed Mr. Wilcox that the Parties believed that an extension of the Early Neutral Evaluation deadline was necessary in order to effectuate a meaningful Early Neutral Evaluation. Mr. Wilcox concurred and advised the Parties that he will be unavailable from April 3rd, 2010 through April 16th, 2010.

4. Plaintiff and Defendant jointly agree that the Parties should complete the depositions of Plaintiff and Defendant's 30(b)(6) witness, prior to the Early Neutral Evaluation, in order to ensure a meaningful Early Neutral Evaluation. The parties believe that the amended complaint can be filed and responded to, and initial discovery can be completed, within the next 90 days. The current deadline to complete the Early Neutral Evaluation is February 2, 2010. Based on the foregoing, the parties request a continuance of the ENE deadline, to April 30, 2010.

1 Dated: February 3, 2010

Respectfully Submitted,

LAW OFFICES OF PETER M. HART

3
4 By Peter M. Hart
5 Peter M. Hart
6 Attorney for Plaintiff

7 Dated: February 3, 2010

Respectfully Submitted,

SEYFARTH SHAW LLP

8
9 By Francis Ortman
10 Francis Ortman
11 Ari Hersher
12 Attorneys for Defendant



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